



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1513 OF 2024
IN
CRIMINAL APPEAL NO. 342 OF 2024

Sunil Santosh Karhale
Age : 28 years, Occu.: Labourer,
R/o : Kale Nagar, Soygaon
Tq. Soygaon, District Aurangabad

... Applicant.
(Orig. Accused No.1)

Versus

The State of Maharashtra
Through Police Inspector,
Soygaon Police Station, Tq. Soygaon,
Dist. Aurangabad.

... Respondent

...
Mr. Akshay S. Radikar, Advocate for Applicant
Mr. N. D. Batule, APP for Respondent - State
...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 19 APRIL, 2024

ORDER :

1. Instant application is for suspension of sentence passed by Additional Sessions Judge, Aurangabad, dated 20.02.2024 in Sessions Case No. 158 of 2018. Similarly, there are prayers for grant of bail also.

2. Learned counsel for applicant pointed out that, present applicant was booked for commission of offence under sections 307, 353, 332, 504, 506 read with section 34 of Indian Penal Code

(IPC). However, on trial, he is held guilty only for offence punishable under sections 324 and 323 of IPC and is acquitted for rest of the charges. It is pointed out that, sentence awarded for above offence by learned trial Judge of mere one year and six months, respectively, for each of the offence. That, applicant was on bail during trial. That, there is false implication and conviction is taken exception to by filing appeal, but it would take long time to be heard and decided and hence prayers for suspension of sentence and grant of bail.

3. Learned APP opposed the application on the ground that, there is use of article like iron rod. That, head is targeted. That, there is medical evidence, and therefore, considering the serious offence, he prays to refuse the relief as prayed.

4. Heard. Perused the papers. It seems that, present applicant and two others were charge-sheeted and tried for commission of offence under sections 307, 353, 332, 504, 506 read with section 34 of Indian Penal Code. However, learned trial Judge, who conducted trial and recorded guilty only for offence punishable under sections 324 and 323 of IPC and quantum of sentence awarded is one year and six months, respectively, and to pay fine.

5. Considering the nature of allegations, quantum of sentence and the fact that appeal being of 2024, would take long time to be heard and decided, relief as prayed deserves to be granted. Hence, I proceed to pass the following order :-

ORDER

- (i) Criminal Application stands allowed.
- (ii) The substantive sentence imposed on the applicant Sunil Santosh Karhale in Sessions Case No. 158 of 2018 by the Additional Sessions Judge, Aurangabad on 20.02.2024 stands suspended till the final hearing and disposal of Criminal Appeal No.342 of 2024.
- (iii) The applicant be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with two solvent sureties in the like amount.
- (iv) The applicant shall not commit any criminal activity.
- (v) The applicant shall remain present before the learned trial Judge once in six months, till final hearing and disposal of the appeal, commencing from the date he tenders bail papers and thereafter, the trial Judge to fix dates for their subsequent appearances.

- (vi) In case of two consecutive defaults on the part of the applicant to remain present before the trial Court, the trial Court to inform this Court about the same and in that eventuality, the prosecution would be at liberty to file an application for cancellation of the bail granted to the applicant.
- (vii) Bail before the trial Court.

(ABHAY S. WAGHWASE, J.)